

The article was alleged to be adulterated in that a valuable constituent, olive oil, had been in whole or in part omitted therefrom; and in that sardines in an oil other than olive oil had been substituted for sardines in pure olive oil, which it purported to be.

It was alleged to be misbranded in that the statement "in Pure Olive Oil" was false and misleading as applied to an article packed in an oil that contained little or no olive oil.

On October 11, 1941, Frank H. Reynolds, trading as B. O. Bowers Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for proper relabeling under the supervision of the Federal Security Agency.

2437. Adulteration of fish roe. U. S. v. 3 Unlabeled Barrels of Fish Roe. Default decree of condemnation and destruction. (F. D. C. No. 5031. Sample No. 69703-E.)

Examination showed that this product contained parasitic worms, cysts, and fish scales.

On June 30, 1941, the United States attorney for the Southern District of New York filed a libel against 3 unlabeled barrels containing approximately 1,000 pounds of fish roe at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 2, 1941, by La Pond Fisheries from Two Rivers, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

FROZEN CHERRIES

2438. Adulteration and misbranding of frozen cherries. U. S. v. 122 Cans of Cold Pack Cherries. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 5345. Sample No. 47490-E.)

Examination showed that this product had a pronounced phenolic odor and the top layer of cherries and undissolved sugar on the surface had a phenolic taste. Furthermore, the label did not declare the presence of sugar in the product.

On or about August 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 122 cans of cold pack cherries at Chicago, Ill., alleging that the article had been shipped on or about July 10, 1941, by M. W. Miller & Co. from Sturgeon Bay, Wis.; and charging that it was adulterated and misbranded. It was labeled in part: "All Star Brand Cherries Red Tart Pitted 30 Lbs. Net When Packed."

The article was alleged to be adulterated in that it was unfit for food, and in that sugar had been substituted wholly or in part for cherries.

It was alleged to be misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On September 8, 1941, M. W. Miller & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. In the process of reconditioning the unfit portion was removed from each can and destroyed and the remainder was freed from the phenolic odor.

2439. Adulteration of frozen cherries. U. S. v. 250 Cans and 1,445 Tins of Frozen Cherries. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 5461, 5660. Sample Nos. 22978-E, 23009-E.)

Examination showed that this product contained maggots.

On August 27 and September 12, 1941, the United States attorney for the Northern District of California filed libels against 250 cans of frozen cherries at San Francisco, Calif., and 1,445 tins of frozen cherries at Sacramento, Calif., alleging that the article had been shipped in interstate commerce on or about August 8 and 9, 1941, by S. A. Moffett Co., from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "6+1 R. S. P. Cherries 30 Lbs. Net."

On October 7, 1941, S. A. Moffett & Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond

conditioned that it be made to conform to the provisions of the law under the direction of the Food and Drug Administration.

CANNED FRUITS

2440. Adulteration of canned apricots. U. S. v. 224 Cases of Canned Apricots. Default decree of forfeiture and destruction. (F. D. C. No. 5756. Sample No. 27878-E.)

Examination showed that this product was undergoing active spoilage.

On September 15, 1941, the United States attorney for the Southern District of Indiana filed a libel against 224 cases, each containing 6 No. 10 cans, of apricots at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about July 25, 1941, by Consolidated Freight Forwarding Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Monticello Brand * * * B. H. Body & Co. Distributors San Francisco."

On October 17, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

2441. Adulteration of canned blackberries. U. S. v. 250 Cases of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 5978. Sample No. 60494-E.)

Examination showed that this product contained moldy berries.

On October 3, 1941, the United States attorney for the Southern District of California filed a libel against 250 cases, each containing 24 No. 2 cans, of blackberries at Los Angeles, Calif., alleging that the article had been introduced in interstate commerce on or about September 13, 1941, by the Oregon Fruit Products Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Blackberries From Oregon."

On October 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2442. Adulteration of canned blackberries and strawberry preserves. U. S. v. Pacific Northwest Canning Co. Plea of nolo contendere. Fine, \$50 and costs. (F. D. C. No. 4191. Sample Nos. 26520-E, 55006-E.)

Examination of these products showed that they contained moldy fruit.

On September 12, 1941, the United States attorney for the Western District of Washington filed an information against the Pacific Northwest Canning Co., a corporation, Puyallup, Wash., alleging shipment on or about August 1 and October 23, 1940, from the State of Washington into the Territory of Hawaii and the State of South Carolina, of quantities of canned blackberries and strawberry preserves, respectively, which were adulterated. The articles were labeled in part: "Famous Puyallup Brand Water Pack Blackberries"; or "Pure Fresh Fruit Strawberry Preserves."

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

On October 27, 1941, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

2443. Misbranding of canned cherries. U. S. v. Grocery Distributors, Inc., and Fred R. Pacella and Woodrow W. Wolf. Pleas of guilty. Fines, \$220. (F. D. C. No. 4157. Sample Nos. 27401-E to 27405-E, incl.)

This product, consisting of partially pitted cherries, when introduced into interstate commerce bore on its label the substandard legend required by law, but subsequently was unlawfully relabeled by the consignee as standard cherries.

On September 17, 1941, the United States attorney for the Southern District of Ohio filed an information against the above-named defendants, alleging that within the period from on or about February 27 to on or about April 5, 1939, the Lockport Canning Co. shipped from Lockport, N. Y., to Grocery Distributors, Inc., Dayton, Ohio, a quantity of canned cherries that were labeled in part: "Below U. S. Standard Good Food—Not High Grade Partially Pitted Red Sour Cherries." The information alleged further that within the period from on or about April 11 to on or about April 20, 1940, and while the article was held for sale after shipment in interstate commerce, Grocery Distributors, Inc., and Fred R. Pacella and Woodrow W. Wolf unlawfully removed the labels from a number of cans of the article and unlawfully relabeled them by affixing and causing to be affixed thereto a label bearing the following statements and design: "[De-